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**From:** Rodrigues, Cecil [rodrigues.cecil@epa.gov]  
**Sent:** 4/28/2020 2:33:12 PM  
**To:** Andrea Baker -MDE- [andrea.baker@maryland.gov]  
**CC:** Gable, Kelly [Gable.Kelly@epa.gov]; Field, Stephen [Field.Stephen@epa.gov]; Price-Fay, Michelle [Price-Fay.Michelle@epa.gov]  
**Subject:** RE: Good Morning - quick questions  
**Attachments:** 2013 MSGP No Action Assurance Letter.pdf

Andrea: Here is a response to one of your questions. I am still working on a response to your grants question.

An "intent to cover" would be used in a situation where a permit has been administratively continued but new facilities need to operate; it is a document similar to an NOI (notice of intent) and would provide similar information (facility location, operator, etc.) but it also would explicitly state that the facility is not being given permit coverage. We do not have an example; this is something being considered for our MSGP, which is about to expire. Once having received the "intent to cover", MDE could send the facility a "no action assurance" letter; we do have a sample of that (attached), as that was the route EPA took the last time the MSGP expired. The words "intent to cover" are not magic words, it could be called whatever, but the idea is to distinguish it from an NOI to avoid confusion among permittees thinking they have permit coverage. Once the new permit is issued, those facilities under an "intent to cover" would need to file an NOI, as would the existing facilities covered under the administratively continued permit.

Note that if instead MDE chooses to reissue the permit for a certain amount of time while working to reissue a revised permit, then ALL permittees, current or future, would need to file an NOI under that permit. Under the "intent to cover" approach, only new facilities would need to file because the permit has been administratively continued and therefore the existing facilities that had permit coverage prior to the administrative continuance date continue to be covered by the permit.

Let me know if you have any questions.

**From:** Andrea Baker -MDE- <andrea.baker@maryland.gov>  
**Sent:** Friday, April 24, 2020 10:04 AM  
**To:** Rodrigues, Cecil <rodrigues.cecil@epa.gov>  
**Subject:** Good Morning - quick questions

I was wondering if you could help me on 2 things. First, I have heard mention of something called an intent to cover, but I am not sure what that means or if you have an example. Is this a type of consent order that potential permittees agree to pending final coverage under a permit? I would love to understand this better or see examples. I assume such a document would essentially require the person to abide by all the permit terms under a consent order? Secondly, have you heard back about the electronic signature question I previously sent. I am concerned about MDE moving forward with transactions. If you are able respond by email that is great, otherwise can we do a call. Timeline is pretty tight so I appreciate your help and ideas. Happy Friday.

Andrea S. Baker  
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